

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	
	§	
VS.	§	NO. 4:22-cr-00612-3
	§	
JOHN RYBARCZYK	§	

**RYBARCZYK’S UNOPPOSED MOTION
FOR LEAVE TO FILE ADDITIONAL PRETRIAL MOTIONS**

TO THE HONORABLE ANDREW HANEN, UNITED STATES DISTRICT JUDGE:

Defendant, JOHN RYBARCZYK (“Rybarczyk”) moves this Court for permission to file additional and motions as necessary.

A. Procedural History

1. On December 7, 2022, Rybarczyk was charged in Counts 1, 2, 4, 7, and 8 of an Indictment with “Conspiracy to Commit Securities Fraud” and “Aiding and Abetting Securities Fraud” in violation of 18 U.S.C. §§ 2, 11348, and 1349. Dkt. 1 at pp.37-8.
2. On December 13, 2022, Rybarczyk, surrendered and was released in the Middle District of Tennessee on December 13, 2022. *See* Dkt. 71.
3. On December 15, 2022, Rybarczyk, received additional conditions of release, and posted bond in this District. Dkt. 29-30.
4. Rybarczyk, was also arraigned on that date and entered a plea of not guilty.
5. According to the “Scheduling Order” entered on that date, motions are due January 3, 2023, and jury trial is February 13, 2023. Dkt. 24.

6. On December 28, 2022, Rybarczyk and others filed “Joint Defendants’ Unopposed Motion for Continuance and to Certify Case as Complex.” Dkt. 72. The Government responded. Dkt. 76.

7. No Ruling has been made on that motion to continue.

B. Request for Leave to File Motions as Necessary

8. Defense counsel has sent a Rule 16 discovery request to the Government and awaits production, which is expected to be forthcoming.

9. In the interests of judicial economy, Rybarczyk, prefers to wait to file any discovery motions until voluntary discovery is complete and an actual dispute arises. Similarly, discovery materials may reveal or substantiate an issue that necessitates a written motion.

Prayer

WHEREFORE, PREMISES CONSIDERED, JOHN RYBARCZYK, Defendant, requests that this motion be granted and he be granted leave to file additional motions as necessary.

Respectfully submitted,

HILDER & ASSOCIATES, P.C.

/S/ Q. Tate Williams

Q. Tate Williams

Texas Bar No.: 24013760

Philip H. Hilder

Texas Bar No. 09620050

Stephanie K. McGuire

Texas Bar No. 11100520

819 Lovett Blvd.

Houston, Texas 77006

(713) 655-9111–telephone

(713) 655-9112–facsimile

philip@hilderlaw.com

tate@hilderlaw.com

stephanie@hilderlaw.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2023, a true and correct copy of the above and foregoing Motion for Leave to File Additional Pretrial Motions was served on all counsel of record via ECF, certified mail, return receipt requested, facsimile, electronically, or hand delivery.

/s/ Q. Tate Williams

Q. Tate Williams

CERTIFICATE OF CONFERENCE

On January 2, 2023, undersigned counsel communicated with Scott Armsotrong, Assistant United States Attorney, by electronic who indicated he was UNPPOSED to this Motion.

/s/ Q. Tate Williams

Q. Tate Williams